

HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2991 OF 2005.

Arun Balkrishna Gharat. ..Petitioner.  
Versus.  
Vishwanath J. Gharat & Ors. ..Respondents.

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Shri. C. G. Gavnekar for the petitioner.

Shri. Rajan Salvi for the respondent No.1.

CORAM: S.B.MHASE, J.

DATE: October 21, 2005.

P.C.

1. Heard learned counsel. The petitioner is disqualified for being a Member of the gram-panchayat Chaul, Taluka: Alibag, District: Raigad, since he has begotten a third child after 13th September 2001. The child is born on 23rd September 2001, i.e., after the cut-off date. Learned Counsel raised two grounds, namely, firstly, the child is born in a Primacy Health Centre, however, no evidence from the Primary Health Centre is brought on record. The evidence brought on record is the Birth and Death Extract maintained by the Gram panchayat, which is prepared on the basis of the information received from the Primary Health Centre. It is to be noted that instead of the entry being so made, the said

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entry was never challenged by the petitioner. Even today, there is no challenge to the correctness of the said entry. Therefore, there is no merit in the said ground raised by learned counsel. The Second ground is about the name of the mother of the child. The wife of the petitioner is Aruna, but from the Voters' List, it is pointed out that there are number of women by the name Aruna. It is to be noted that in the village many families are from the same blood group, i.e., from the common stock, and in the present case, the family of Gharat. Therefore, the similarity in the name cannot in any way influence this court, unless there is specific challenge that no child has been born out of the wedlock of the Petitioner with Aruna. The said point of challenge has not been raised.

. Thus, there is no substance in the petition. It is hereby rejected.

**(S.B.MHASE, J.)**

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